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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Preventing and eliminating child, early and forced marriage

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

Taking into consideration information received from States, United Nations agencies, civil society groups and other relevant stakeholders, the report discusses the international norms and standards applicable to child, early and forced marriage and the human rights impact of the practice on women and girls. The report addresses the various factors that contribute to child, early and forced marriage and further analyses existing measures and strategies to prevent and eliminate child, early and forced marriage with a particular focus on challenges, achievements, best practices and implementation gaps.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 24/23, in which the Council requested the Office of the High Commissioner for Human Rights (OHCHR) to prepare a report, in consultation with States, United Nations agencies, funds and programmes, civil society and other relevant stakeholders, on preventing and eliminating child, early and forced marriage, with a particular focus on challenges, achievements, best practices and implementation gaps.

2. For the preparation of the report, OHCHR solicited inputs from Member States, United Nations agencies, funds and programmes, special procedures mandate-holders, treaty bodies, civil society organizations and other relevant stakeholders. As at 17 March 2014, 110 replies had been received, including 31 from Member States. All the submissions are available on the OHCHR website.[1] OHCHR also reviewed recent studies and research on the issue.

3. Information received for the present report reveals a wide variation in the prevalence of child, early and forced marriage between and within countries.[2] It is a practice which adversely impacts on the rights of girls, boys, men and women. However, child, early and forced marriage has a disproportionately negative impact on women and girls. According to United Nations Children's Fund (UNICEF) estimates, in 2012, approximately 400 million women aged 20–49 around the world (or 41 per cent of the total population of women in that age group) had been married or entered into a union before they reached 18 years of age.[3] The United Nations Population Fund (UNFPA) reported that the rate of marriage for girls before the age of 18 in developing countries (not including China) is one in three, the majority of whom have limited education and live in rural areas and in extreme poverty.[4]

II. Definitions

4. For the purpose of this report, "child marriage" is a marriage in which at least one of the parties is a child. According to the Convention on the Rights of the Child, a child is "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier".[5] The Committee on the Rights of the Child has called on States parties to review the age of majority if it is set below 18.

5. "Early marriage" is often used interchangeably with "child marriage" and refers to marriages involving a person aged below 18 in countries where the age of majority is attained earlier or upon marriage. Early marriage can also refer to marriages where both spouses are 18 or older but other factors make them unready to consent to marriage, such as their level of physical, emotional, sexual and psychosocial development, or a lack of information regarding the person's life options.[6]

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[1] www.ohchr.org/EN/Issues/Women/WRGS/Pages/WRGSIndex.aspx.

[2] For more information on regions of prevalence and disparities, refer to the UNFPA and UNICEF submissions.

[3] UNICEF, "Committing to Child Survival: A Promise Renewed, Progress Report" (September 2012).

[4] UNFPA, State of World Population 2013 report, *Motherhood in Childhood: Facing the challenge of adolescent pregnancy* (New York, 2013).

[5] Convention on the Rights of the Child, art. 1.

[6] Rangita de Silva de Alwis, "Child marriage and the law", Legislative Reform Initiative Paper Series (UNICEF, New York, January 2008), p. 37.

6. A forced marriage is any marriage which occurs without the full and free consent of one or both of the parties and/or where one or both of the parties is/are unable to end or leave the marriage, including as a result of duress or intense social or family pressure.

III. International legal framework

A. Right to enter into marriage with free and full consent

7. International human rights treaties guarantee the right of all individuals to enter into marriage with the free and full consent of both parties. The International Covenant on Civil and Political Rights in its article 23, paragraph 3, provides for this right, as does the International Covenant on Economic, Social and Cultural Rights in its article 10, paragraph 1. The Convention on Consent to Marriage, Minimum Age for Marriage and Registration for Marriages in its article 1 provides that this consent must be expressed by both parties in person and in the presence of a competent authority.[7] Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women obligates States to ensure, on a basis of equality of men and women, inter alia, the same right freely to choose a spouse and to enter into marriage only with their free and full consent. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child have both stressed the importance of additional legal safeguards to protect the right of all individuals to freely enter into marriage, even in plural legal systems which include both customary and statutory laws. A number of regional instruments also stipulate that marriage may only be entered into with the free and full consent of both parties.[8]

8. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Supplementary Convention) obligates States to undertake all "practicable and necessary legislative and other measures" to bring about the abolition or abandonment of various institutions and practices which amount to forced marriage, such as promising or giving a woman in marriage, where she does not have the right to refuse, following payment to her parents, guardians, family or another person or group; the right of a husband, his family or clan to transfer his wife to another person for value received or for any other reason; and the inheriting by another person of a woman on the death of her husband.[9] As discussed under Section V, forced marriage can under certain circumstances amount to slavery and slavery-like practices.

B. Child marriage

9. Article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women provides that "the betrothal and the marriage of a child shall have no legal effect." The African Charter on the Rights and Welfare of the Child also prohibits both child marriage and the betrothal of girls and boys and requires that legislative and other measures be taken to protect their rights.[10] The Committee on the Rights of the

[7] General Assembly resolution 1763 A (XVII).

[8] Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003), art. 6 (a); South African Development Community (SADC) Protocol on Gender and Development (2008), art. 8, para. 2 (b); Association of Southeast Asian Nations (ASEAN) Human Rights Declaration (2012), art. 19; American Convention on Human Rights (1969), art. 17 (3).

[9] Supplementary Convention on the Abolition of Slavery, art. 1.

[10] African Charter on the Rights and Welfare of the Child (1999), art. 2.

Child and the Committee on the Elimination of Discrimination against Women have both raised concerns over the continued existence of child marriage and have recommended that States parties enforce the prohibition of child marriage.

10. The Committee on the Rights of the Child has also noted that a number of the provisions of the Convention on the Rights of the Child should be considered applicable to the issue of child marriage, including article 24, paragraph 3, which provides that States parties should "take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children."[11] The Committee on the Elimination of Discrimination against Women and the Committee against Torture have also identified child marriage as a harmful practice which leads to the infliction of physical, mental or sexual harm or suffering, with both short- and long-term consequences, and negatively impacts on the capacity of victims to realize the full range of their rights.[12] The Special Rapporteur on the sale of children, child prostitution and child pornography has indicated that child marriage may be considered as sale of children for the purposes of sexual exploitation, in violation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and of article 35 of the Convention on the Rights of the Child.[13]

11. The Special Rapporteur on contemporary forms of slavery has drawn links between child marriage and slavery, pointing out that States are obliged to prohibit and eliminate slavery as a non-derogable and fundamental principle of international law.[14] According to ECPAT International, marriage of children and adolescents under the age of 18 can under certain circumstances be considered a form of commercial sexual exploitation when the child is used for sexual purposes in exchange for goods or payment in cash or in kind.[15]

12. Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women, articles 2 and 3 of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages and article 2 of the Supplementary Convention on the Abolition of Slavery obligate States parties to undertake legislative measures to specify a minimum age for marriage.[16] The Committees on the Elimination of Discrimination against Women and on the Rights of the Child have recommended that

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[11] See in particular article 2 on non-discrimination, article 3 on the best interests of the child, article 12 on the right of the child to be heard in accordance with her/his age and maturity, article 19 on essential measures to be taken to protect the child from all forms of violence, article 34 on protecting children from all forms of sexual exploitation and sexual abuse, article 35 on measures to prevent the abduction of, sale of or traffic in children and article 36 on protecting the child against all other forms of exploitation which may cause harm to the child.

[12] See, for example, the concluding observations of the Committee on the Elimination of Discrimination against Women on Montenegro (CEDAW/C/MNE/CO/1), Mauritania (CRC/C/MRT/CO/2), Togo (CRC/C/TGO/CO/3-4), Zambia (CEDAW/C/ZMB/CO/5-6) and the concluding observations of the Committee against Torture on Bulgaria (CAT/C/BGR/CO/4-5).

[13] Report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/66/228), p. 8. See also the Supplementary Convention on the Abolition of Slavery, art. 1 (c) (i)-(iii) and (d). This was also highlighted by the Pan-African Forum against the Sexual Exploitation of Children: see UNICEF, *Early Marriage – A harmful traditional practice: A statistical exploration* (New York, 2005).

[14] See thematic report on servile marriage (A/HRC/21/41); see also the report on the mission to Madagascar of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/24/43/Add.2), especially para. 125 and the thematic report on challenges and lessons in combating contemporary forms of slavery (A/HRC/24/43).

[15] ECPAT International submission.

[16] See also African Charter on the Rights and Welfare of the Child (1999), art. 21, para. 2, and Council of Europe Parliamentary Assembly Resolution 1468 (2005), para. 14.2.1.

States parties remove exceptions related to the minimum age of marriage and establish a minimum age of marriage for girls and boys, with or without parental consent, of 18 years.[17] Similarly, the Committee on Economic, Social and Cultural Rights has recommended that States raise and equalize the minimum age for marriage for boys and girls.[18]

13. In 2012, the Committees on the Rights of the Child and on the Elimination of Discrimination against Women, together with the Special Representative of the Secretary-General on Violence against Children, the Working Group on the issue of discrimination against women in law and practice, together with four other special procedures mandate holders, issued a joint statement calling on States to increase the age of marriage to 18 years for both girls and boys without exception, and stated that child marriage could not be justified on traditional, religious, cultural or economic grounds.[19]

14. The Human Rights Committee has indicated that the age for marriage should be such as to enable each spouse to give her/his free and full personal consent under conditions prescribed by law[20] and that States should ensure that the minimum age complies with international standards and adopt active measures to prevent early marriage of girls.[21] The Committee against Torture has recognized that child marriage may constitute cruel, inhuman or degrading treatment, particularly where governments have failed to establish a minimum age of marriage that complies with international standards.[22] Several regional human rights instruments have similarly placed the obligation on States to undertake legislative and other measures to establish a minimum age of marriage of 18 years.[23]

15. The Committee on the Elimination of Discrimination against Women and other treaty bodies require States to register births and marriages as a means to facilitate monitoring of the age of marriage and to support the effective implementation and enforcement of laws on the minimum age of marriage.[24] To meet this obligation, States are

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[17] Committee on the Elimination of Discrimination against Women, general recommendation No. 21 (1994) on equality in marriage and family relations, para. 36.

[18] See the concluding observations of the Committee on Economic, Social and Cultural Rights, on Mexico (E/C.12/MEX/CO/4); the concluding observations of the Committee on the Rights of the Child on Georgia (CRC/C/15/Add.124), South Africa (CRC/C/15/Add.122) and Costa Rica (CRC/C/CRI/CO/4).

[19] The four mandate holders were: the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on contemporary forms of slavery, its causes and consequences, the Special Rapporteur on violence against women and the Special Rapporteur on trafficking in persons, especially in women and children.

[20] Human Rights Committee general comment No. 19 (1990) on protection of the family, the right to marriage and equality of the spouses, para. 4. See also general comment No. 28 (2000) on equality of rights between men and women, para. 23.

[21] Concluding observations of the Human Rights Council on Uruguay (CCPR/C/URY/CO/5), Kuwait (CCPR/C/KWT/CO/2), Yemen (CCPR/CO/75/YEM), United Republic of Tanzania (CCPR/C/TZA/CO/4/Add.1), Islamic Republic of Iran (CCPR/C/IRN/CO/3).

[22] See the concluding observations of the Committee against Torture on Bulgaria (CAT/C/BGR/CO/4-5) and on Yemen (CAT/C/YEM/CO/2/Rev.1).

[23] African Charter on the Rights and Welfare of the Child (1999), art. 21 (2); Council of Europe Parliamentary Assembly Resolution 1468 (2005), para. 14.2.1; SADC Protocol on Gender and Development, art. 8 (2) (a).

[24] See concluding observations of the Committees against Torture, on the Rights of the Child and on the Elimination of Discrimination against Women, including on Yemen (CAT/C/YEM/CO/2/Rev.1), Afghanistan (CRC/C/AFG/CO/1) and Peru (A/57/38(SUPP)). See also recommendations made in the context of the universal periodic review, and Commission on the Status of Women (CSW) resolution 51/3, para. 1 (b).

urged to establish national civil registration that is free, universal and accessible for the birth registration of all children and to ensure that all marriages are registered by a competent authority.[25]

C. Right to equality and non-discrimination

16. As discussed below, child, early and forced marriage is now widely recognized as a form of gender-based discrimination which disproportionately affects women and girls. The rights to equality and non-discrimination are set forth in a number of international human rights instruments.[26] The Committees on the Elimination of Discrimination against Women and on the Rights of the Child have both described forced and child marriage as a manifestation of discrimination against women and girls, a violation of their rights and an obstacle to the girl child's full enjoyment of her rights. They have further highlighted that the practice is perpetuated by entrenched adverse customs and traditional attitudes that discriminate against women or place women in subordinate roles to men, or by women's stereotyped roles in society.[27]

IV. Factors contributing to child, early and forced marriage

17. Empirical evidence shows poverty and insecurity as one of the root causes of child, early and forced marriage. Although the proportion of child brides has generally decreased over the last 30 years, child marriage remains common in rural areas and among the poorest communities.[28] In many communities, marriage is often perceived as a way to ensure the economic subsistence of girls and women with no autonomous access to productive resources and living in situations of extreme poverty. Marrying children can also have economic advantages, such as lower dowries for younger brides. Families may agree to the temporary marriage of their daughter in exchange for financial gain, also referred to as a "contractual marriage". Poverty may also encourage women to marry foreign nationals for financial security, a practice which increases opportunities for trafficking in women.[29] Research indicates that, in a limited number of countries, child, early and forced marriage also takes place in wealthy families, where it is perceived as a means of preserving wealth amongst families from the same socioeconomic class.

18. Child and early marriage is strongly associated with girls who have received little or no formal education. Plan International in Egypt notes for instance that poor-quality

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[25] Save the Children submission, p. 6.

[26] See the Universal Declaration of Human Rights, art. 7, the International Covenant on Civil and Political Rights, art. 2, paras. 1 and 3, and the International Covenant on Economic, Social and Cultural Rights, arts. 2, paras. 2 and 3. Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women places an obligation on States to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations. See also Committee on the Elimination of Discrimination against Women, general recommendation No. 24 (1999) on women and health.

[27] Committee on the Elimination of Discrimination against Women, general recommendation No. 19 (1992) on violence against women, para. 11. See also the following concluding observations of human rights treaty bodies: Comoros (CRC/C/15/ADD.141); Costa Rica (CCPR/CO/75/YEM); Denmark (CRC/C/15/ADD.141);Ethiopia (CRC/C/15/ADD.144); Guyana (CRC/C/15/ADD.130); Malawi (CRC/C/15/ADD.174); Seychelles (CRC/C/SYC/CO/2-4); Algeria (CEDAW/C/DZA/CO/3-4); Bulgaria (CAT/C/BGR/CO/4-5); Iran (CCPR/C/IRN/CO/3); Mauritania (CAT/C/MRT/CO/1.

[28] UNICEF, *Committing to Child Survival: A Promise Renewed, Progress Report* (September 2012).

[29] Committee on the Elimination of Discrimination against Women, general recommendation No. 21.

schooling, overcrowding, unqualified teachers and gender-based violence often increase the viability of early marriage as an alternative option for many girls.[30]

19. Responses received for the present report indicate that in many contexts families are encouraged to marry their children young because it is the accepted cultural practice. In Nepal, for example, a 2013 study conducted by UNICEF found that three of the five main reasons given by respondents for marriage under 18 years of age were social pressure, culture and because "it is normal – everyone does it".[31] Plan International also notes that parents' decisions to marry their daughters at an early age are often motivated by stereotypical views of sexuality and women's role in society.[32] In these circumstances, marriage is viewed as a way to protect girls from the risk of sexual violence, prevent pre-marital relations and potential dishonour to the family, avoid criticism of older unmarried girls as impure,[33] restore family honour in cases of sexual violence or hide real or perceived sexual orientation.[34]

20. The risk of child, early and forced marriage is also exacerbated for girls in conflict and humanitarian crisis situations, where the increased risks of poverty from financial instability and sexual violence leave girls even more vulnerable to this practice.[35] For instance, reports of the independent international commission of inquiry on the Syrian Arab Republic noted an increase in child, early and forced marriage, as families felt their daughters would be safer if married.[36]

V. Human rights impact of child, early and forced marriage

21. The impact of child, early and forced marriage on the realization and enjoyment of girls' and women's rights can be wide ranging.[37] It can imply significant age and power differentials between a bride and her spouse, which undermine the agency and autonomy of girls and young women. In this context, girls and young women often face physical, psychological, economic and sexual violence, and restrictions on their movement. Women and girls in situations of child and forced marriage may experience conditions inside a marriage which meet "international legal definitions of slavery and slavery-like practices" including servile marriage, sexual slavery, child servitude, child trafficking and forced

[30] See www.plan-uk.org/early-and-forced-marriage/.

[31] UNICEF submission, p. 7.

[32] Plan International submission 2, para. 10.

[33] UNICEF submission, p. 7.

[34] Submission from Protect and Save the Children Association of Selangor and Kuala Lumpur, "Child marriage – situation in Malaysia" (2013), p. 1; report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/25/48), para. 26; and Plan International submission, p. 10.

[35] See, for example, J. Schlecht, E. Rowley, J. Babirye, "Early relationships and marriage in conflict and post-conflict settings: vulnerability of youth in Uganda", *Reproductive Health Matters*, Vol. 21, No. 41 (May 2013), pp. 234–42; Human Rights Watch, "How come you allow little girls to get married?" (2011); Report of the Secretary-General on forced marriage of the girl child (E/CN.6/2008/4), pp. 4–5.

[36] A/HRC/23/58, para. 35, and A/HRC/24/46, para. 36.

[37] For more information on the health consequences of child marriage, in particular the impact on access to sexual and reproductive health rights, see submissions from UNICEF, UNFPA and the Sexual Rights Initiative and Center for Reproductive Rights. See also UNFPA, *Motherhood in childhood: Facing the challenge of adolescent pregnancy* (see note 4), overview and pp. 11 and 23; and A/HRC/18/27.

labour, and "a potentially high proportion of child marriage cases appear to constitute the worst forms of child labour under the 1999 ILO Convention No. 182."[38]

22. Girls and young women who challenge, or are perceived as challenging, the power dynamics within the family are often subjected to severe consequences, including crimes committed in the name of "honour" and other forms of violence. The Special Representative of the Secretary-General on Violence against Children has drawn attention to how child marriage makes girls especially vulnerable to violence and abuse.[39]

23. Child, early and forced marriage is associated with a range of poor health and social outcomes and other negative consequences. Specifically, early and frequent pregnancies and forced continuation of pregnancy are all common in child marriages. They are closely linked to high maternal and infant morbidity and mortality rates and can have an adverse effect on girls' sexual and reproductive health.[40] In fact, "pregnancy-related complications are the main cause of death for young women, with girls being twice as likely to die from childbirth as women in their twenties".[41] Girls and women who are subjected to child, early and forced marriage are often not empowered to make decisions about, or lack accurate information about, their sexual and reproductive health, which compromises their ability to, inter alia, decide on the number and spacing of their children and negotiate contraceptive use, and places them at heightened risk of contracting sexually transmitted infections and HIV.

24. Child marriage and early childbearing are also recognized as significant obstacles to ensuring educational, employment and other economic opportunities for girls and young women.[42] Often, girls are discouraged from attending school when they get married or may be expelled from school when they become pregnant and are treated as adult women regardless of their age. Research by Plan International in Kenya found, for example, that 84.2 per cent of girls who were married reported that they no longer had time to enjoy an education because of their new responsibilities as married girls.[43]

VI. Measures and strategies to prevent and eliminate child, early and forced marriage

A. Legislative measures

25. States are increasingly taking legislative measures to address child, early and forced marriage. These include amendments to laws to raise the minimum age of marriage to 18

[38] Anti-Slavery International, "Out of the shadows: child marriage and slavery" (April 2013).

[39] Special Representative of the Secretary-General on Violence against Children and Plan International "Protecting children from harmful practices in plural legal systems" (2012). See also Plan International, "A girl's right to say no to marriage: working to end child marriage and keep girls in school" (2013).

[40] OHCHR, Practices in adopting a human rights-based approach to eliminate preventable maternal mortality and human rights (A/HRC/18/27 and Corr.1 and 2), para. 11.

[41] Ibid.

[42] Commission of the Status for Women resolution 51/3. See also the Programme of Action of the United Nations International Conference on Population and Development, paras. 4.21 and 7.41, the Beijing Platform for Action, para. 93, and the Joint Statement issued by a group of United Nations human rights experts to mark the first International Day of the Girl Child, 2012. Additional information on the social and economic consequences can be found in the Plan International submission.

[43] Plan Kenya, 2012, "Because I am a Girl: Country Report", p. 8.

for both girls and boys, prohibition of child and forced marriage, sanctions against the perpetrators of child, early and forced marriage and implementation of compulsory registration of all marriages.[44] The Syrian Arab Republic, for instance, reported that a ministerial committee, established to study articles in all Syrian laws which discriminate against women and children, had proposed amendments to the legal age and prevention of child, early and forced marriage.[45] Sweden also reported that it was in the process of strengthening legal protection against forced marriage and child marriage. The Committees on the Elimination of Discrimination against Women and on the Rights of the Child have welcomed instances of such progress in their recent reviews of States parties' reports, including those of Albania (CEDAW/C/ALB/CO/3), Azerbaijan (CRC/C/AZE/CO/3-4), Benin CRC/C/BEN/CO/2), Egypt (CRC/C/EGY/CO/3-4), France (CRC/C/FRA/CO/4), Guinea-Bissau (CRC/C/GNB/CO/2-4), Kenya (CEDAW/C/KEN/CO/7), Madagascar (CRC/C/15/Add.218) and the Republic of Korea (CEDAW/C/KOR/CO/7).[46]

26. Various States indicated in their responses that they have regulations on civil and criminal remedies and other administrative regulations for victims of child and forced marriage. For instance, in the United Kingdom Forced Marriage (Civil Protection) Act 2007 provides a specific civil remedy to prevent forced marriage and to assist victims where a marriage has already taken place through a Forced Marriage Protection Order (FMPO). Such Orders can include forbidding a person to be taken overseas, or ordering that they be returned to the United Kingdom. An application for a protection order can be made by the person at risk or a third party acting on their behalf.[47] Other countries are considering reforming their laws to provide specific remedies in cases of child, early and forced marriage.[48]

27. Many countries have also enacted laws which impose a criminal penalty for forcing someone to marry or for performing marriages of persons below the age of 18. For example, in February 2013, the Australian Parliament adopted the Slavery Act, which recognizes "forced marriage as a serious form of exploitation and a crime, akin to a slavery-like practice".[49] Under this Act, forced marriage offences carry a maximum penalty of four years' imprisonment, or seven years' imprisonment for an aggravated offence. An offence may be aggravated in several circumstances, including where the victim is under the age of 18. The offence of forced marriage applies to any person with a role in bringing about the forced marriage, including families, friends, wedding planners or marriage celebrants. Azerbaijan has also amended its criminal code to include forced marriage as a criminal offence. In the United Kingdom, a parliamentary process is under way to introduce a specific criminal offence of forcing someone to marry.[50]

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[44] Several countries have seen a rise in the number of birth registrations following the enactment of legislation. For more on civil registration (including birth registration) and vital statistics, see Plan International submission.

[45] Submission from the Syrian Arab Republic.

[46] Recommendations can be found at www.ohchr.org either in the treaty bodies database or on the Committees' own websites.

[47] Submission from the United Kingdom of Great Britain and Northern Ireland. The protection orders have proved useful in cases where the child is in imminent danger of being removed from the jurisdiction for the purpose of marriage. An emergency protection order normally lasts eight days with a possible extension of seven days, which buys the authorities time to apply for more long-term protection, e.g., a care order. See also submission from Ruth Gaffney-Rhys, University of South Wales.

[48] Submissions from Switzerland and the Netherlands.

[49] Submission from Australia, p. 3.

[50] Submission from the United Kingdom.

B. Policies, action plans and coordination mechanisms

28. Several submissions reported on efforts to strengthen national coordination among government bodies, civil society organizations and United Nations agencies and development partners and on the development of multidisciplinary action plans. Examples include the recently launched Alliance to End Child Marriage in Ethiopia steered by the Ministry of Women. The Alliance is to implement a joint strategy drafted by the Government in partnership with donors, civil society organizations and other development actors to combat female genital mutilation/cutting, child marriage and abduction.[51] In Sierra Leone, the National Strategy for the Prevention of Teenage Pregnancy (2013-2018) addresses child marriage and engages multiple ministries as well as a large number of stakeholders to accelerate change.[52] Norway has implemented four action plans on forced marriage, covering legislative changes, awareness-raising and crisis housing as well as a national information helpline on forced marriage.[53] Various States reported that they had increased coordination structures at the local level, in the form of committees which include representatives from local government and civil society organizations.[54]

C. Engagement of religious and traditional leaders and service providers

29. Responses received provided examples of how effective implementation of policies and plans had been strengthened through partnerships with traditional and religious leaders. For example, Girls Empowerment Network Malawi reported a decrease in child marriages after it ran a campaign encouraging traditional leaders and parents to devise strategies to prevent child marriage. The campaign led to tribal and traditional leaders' edicts banning the practice, which are being replicated in other areas.[55] In Indonesia, the involvement of religious and village leaders in media campaigns has led to a marked reduction in a practice called *merarik*, whereby girls are kidnapped if their parents do not agree to a marriage or when the bride price or the dowry is too high and which is increasingly used to kidnap girls for sexual slavery and trafficking.[56]

30. State programmes which provide support to women and girls who are already married highlighted the direct involvement of teachers, health workers, law enforcement and judicial officials and social workers, and the active participation of girls who are at risk of being married.[57]

D. Education and empowerment of girls and women

31. A common theme in the submissions received was the critical need to ensure the empowerment of women and girls through, inter alia, education and access to resources as the best preventive measures against child marriage and for the full realization of the human rights of women and girls.

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[51] See ethiopia.unfpa.org/2013/10/24/8249/ethiopia_launches_alliance_to_end_child_marriage/.
[52] UNICEF submission.
[53] Oslo Red Cross submission.
[54] Submission from Canada.
[55] Submissions from GNB USA and GNB Zambia..
[56] Secretariat submission, p. 16.
[57] ethiopia.unfpa.org/2013/10/24/8249/ethiopia_launches_alliance_to_end_child_marriage/. See also submissions from UNICEF, Oslo Red Cross, Canada and Girls Empowerment Network Malawi.

32. Initiatives mentioned include direct financial support to families and guardians to encourage girls to continue their education;[58] efforts to increase the enrolment and retention rate of girls in school, such as lower cut-off re-entry points and scholarships for girls; and programmes that provide non-formal education and vocational training, development of livelihood skills and life skills education.[59] Several countries also indicated that they were supporting girls' empowerment through programmes that target girls at risk of child marriage and those that are married.

33. Examples of the above-mentioned initiatives include the following: in Egypt, the Ishraq programme, which prepares out-of-school girls, including those forced to drop out of school upon marriage or motherhood, for re-entry into the formal school system;[60] in Cameroon, the Government, working in partnership with civil society organizations, has signed a declaration with the Council of Imams on the importance of education for girls;[61] in Turkey, the Government has adopted legislation that extends the length of compulsory education from 8 to 12 years;[62] in Germany, victims or potential victims of child, early and forced marriage are empowered through educational and vocational opportunities to enable them to better defend themselves against being forcibly married and to seek out help;[63] and in Nigeria, the Government's early marriage programmes include scholarships, conditional cash transfers, economic empowerment and community mobilization.[64]

34. Several submissions highlighted how women's organizations have mobilized to strengthen awareness of child, early and forced marriage. For instance, in Canada, there is a coalition called Network of Agencies Against Forced Marriage with approximately 80 members.[65] UNICEF is increasingly deploying technology as a way of engaging adolescent girls and boys to become agents of change in their communities and nations. In Uganda, UNICEF U-report used text messages and mobile telephones to stimulate national debate on child marriage, teenage pregnancies and, especially, the issue of pregnant girls being asked to drop out of school.[66]

E. Awareness-raising

35. Several responses indicated that awareness-raising on the harms of child, early and forced marriage, including among men and boys, often contributes to promoting social norms that support efforts by girls and their families to delay the age of marriage. To address some of the underlying social norms and individual attitudes, some countries are showing signs of decreasing support for the practice amongst the wider society. For example, in the Indian state of Rajasthan, following televised community weddings and other community-level measures to raise awareness of the law criminalizing child marriage, a number of villages declared their collective commitment to ending the practice of child marriage through the signing of petitions.[67]

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[58] UNICEF submission.

[59] Submissions from the Red Elephant Foundation, p. 15 and Organisation of African Youth – Cameroon.

[60] GNP USA submission, p. 7.

[61] Commonwealth Secretariat submission, p. 14.

[62] ECPAT International submission, p. 16. Detailed examples of educational programmes of civil society organizations can be found in the ECPAT International submission.

[63] Submission from Germany, p. 2.

[64] ECPAT International submission, p. 21.

[65] South Asian Legal Clinic of Ontario submission.

[66] UNICEF submission, p. 6.

[67] UNICEF submission.

36. Several States are working to raise awareness in collaboration with religious and civil marriage celebrants, migrant and legal resource centres, domestic violence services, child support agencies, families and community leaders, and women, girls and boys from vulnerable groups.[68] Examples include the Government of Zambia, which, in partnership with traditional leaders and civil society organizations, has launched a national campaign to end child marriages. The campaign has stimulated public discussion at village gatherings and several chiefdoms have subsequently banned the practice. In Malaysia, the Minister of Women, Family and Community Development publicly spoke out about the increased trend towards child marriage despite the existence of legislation and pointed out the danger it poses to the health of young girls.[69] Canada reported that civil society organizations, particularly immigrant women's organizations, are providing information about forced marriage alongside other topics, such as girls' leadership. A number of organizations reported on awareness-raising and sensitization campaigns on the illegality and harmful effects of child, early and forced marriage in conflict situations and humanitarian crisis settings.[70]

F. Protection measures

37. Various responses highlighted the importance of ensuring appropriate safety and protection measures for victims of child, early and forced marriage, such as specifically designed temporary shelters and making special services available at shelters for victims of violence. Australia, through its Support for Trafficked People Program, is providing support services for suspected victims of forced marriage, including shelters.[71]

38. As mentioned above, the United Kingdom Civil Protection Act enables victims and third parties to obtain forced marriage protection orders and discussions are under way to criminalize breaches of such orders.[72] Switzerland is looking into the possibility of introducing similar protection orders[73] and Quebec, Canada, has initiated a study on whether to introduce civil protection orders.[74] In 2006, India enacted the Prohibition of Child Marriage Act, which enables courts to intervene through stay orders to stop imminent child marriages and impose punitive sanctions. Under this Act, victims have the right to seek annulment of the marriage and may seek redress by claiming financial support from the husband/in-laws until they are remarried.[75]

39. Measures taken to protect vulnerable witnesses and victims can be instrumental in promoting the prosecution of cases of child, early and forced marriage. Australia, for

[68] Submissions from Australia, Switzerland, France and Uzbekistan.

[69] Association of Salangor and Kuala Lumpur submission, p. 2.

[70] See for example, World Vision "Untying the knot: exploring early marriage in fragile States" (March, 2013), available from: www.worldvision.org/resources.nsf/main/press-reports/$file/Untying-the-Knot_report.pdf; J. Schlecht, E. Rowley, J. Babirye, "Early relationships and marriage in conflict and post-conflict settings: vulnerability of youth in Uganda" (note 35). According to UNFPA, "These girls are called 'famine brides' in food-insecure Kenya. Young girls were married to 'tsunami widowers' in Sri Lanka, Indonesia and India as a way to obtain State subsidies for marrying and starting a family. During the conflicts in Liberia, Uganda and Sudan, girls were abducted and given as 'bush wives' to warlords, or even given by their families in exchange for protection", UNFPA, *Marrying Too Young: End Child Marriage* (New York, 2012), p. 12.

[71] Submission from Australia, p. 3.

[72] Southall Black Sisters submission, p. 3.

[73] Submission from Switzerland, Rapport du Conseil fédéral à l'intention de l'Assemblée fédérale donnant suite à la motion 09.4229.

[75] Save the Children submission, p. 4.

example, highlighted the fact that, in June 2013, its Parliament passed the Vulnerable Witness Act, which allows vulnerable witnesses to give evidence in criminal proceedings by closed-circuit television, video link or video recording, limit their contact with the defendant or members of the public and have a support person with them while giving evidence.[76]

40. Several States are implementing training programmes for relevant public officials, including law enforcement and local administration officers. For instance, the Government of Switzerland has allocated funding for its newly established "Control Networks on forced marriages". The networks offer coaching and counselling for victims of child, early and forced marriage and training for professionals providing access to support services.[77] In Canada, there are plans for online training on forced marriage and "honour"-based violence developed by the Royal Canadian Mounted Police to be made available to municipal police and other agencies.[78] In Australia, a module about forced marriage issues is now part of the compulsory ongoing professional development training provided to civil celebrants.[79] The Government of Oman, in partnership with UNICEF, is preparing a training programme for teachers, law enforcement workers and those working in other relevant fields on protection of the family which will include child marriages.[80] The Government of the United Kingdom has issued guidelines on forced marriage with the intention of improving practices among frontline workers, including the police and social services.[81]

VII. Challenges and implementation gaps

41. A number of challenges and implementation gaps have been highlighted in the submissions for the report.

42. With regard to challenges relating to the legal framework and the implementation of laws, 147 countries currently permit children below the age of 18 to be married, either with parental, spousal or caregiver consent, with court permission or in accordance with cultural practices or religious laws.[82] Of the 147 countries, 54 allow for girls to marry at a younger age than boys. In the majority of cases, marriage provisions in plural legal systems are inconsistent with international obligations.[83] For instance, in some cases, the Civil Law establishes the minimum age of marriage at 18 years, while customary and religious law enables a parent, often the father, to decide the appropriate age of marriage for a daughter.[84]

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[76] Submission from Australia, p. 2.

[77] Submission from Switzerland.

[78] Submission from Canada. For more examples of awareness-raising, see Plan UK, 2013, "Girls' access to and Completion of Lower Secondary Education in Malawi: PPA Building Skills for Life for Adolescent Girls Programme Mid-term Evaluation Report".

[79] Submission from Australia, p. 4.

[80] Submissions from Australia, the Netherlands and Oman. For information on child marriage among indigenous communities, see "Breaking the silence on violence against indigenous girls, adolescents and young women" (ILO, UN Women, UNFPA, UNICEF, 2013).

[80] Submission from Oman.

[81] Submission from the United Kingdom. See also submission from Ruth Gaffney-Rhys, University of South Wales.

[82] See Center for Reproductive Rights submission, p. 2; see also Guttmacher Institute and International Planned Parenthood Federation, 2013, cited in UNFPA, Background paper for the State of the World Population, 2013, available from www.unfpa.org/webdav/site/global/shared/swp2013/Background%20paper%20on%20human%20rights%20by%20Christina%20Zampas.pdf

[83] Musawah submission, p. 3.

[84] See, for examples, submissions from Studies and Research Center on Women issues in Islam; Justice

Several countries with plural legal systems also have laws that apply different marital ages to different religious communities.[85] In other countries, the minimum age of marriage is based on the age of criminal responsibility, the age of sexual consent, the onset of puberty or pregnancy.[86]

43. Another challenge is related to laws that exempt a rapist from punishment if he marries his victim.[87] In some circumstances, it may be possible to use laws relating to rape or statutory rape to assist girls subjected to child marriage; however in many countries the law provides an exception when the perpetrator is the husband.[88]

44. Provisions relating to child, early and forced marriage are often contained in various, sometimes conflicting laws. For instance, in Egypt, such provisions concerning child, early and forced marriage can be found in the Children Law, the Penal Code, the Civil Status Law, the Law on the Combating of Human Trafficking and Decree No. 11 of 2011 on the criminalization of harassment.[89] In Nigeria, the Child Rights Act stipulates 18 years of age for marriage with some much lower state exceptions, and conflicts with the relevant constitutional provision.[90]

45. Even when the legislation is in line with international standards, effective implementation of the law is often constrained by the continued presence of underlying conditions which, as noted by UNFPA, include "Gender inequality, lack of protection of girls' human rights, persistent traditions in favour of early marriage, poverty, humanitarian crises and tough economic realities."[91] Furthermore, deeply embedded cultural beliefs and lack of awareness amongst officials, parents and families about the reasons for legislating against child, early and forced marriage and the harmful consequences of the practice often hinder the application of the legislation.[92]

46. Several civil society organizations noted that criminalization of early marriage may deter victims, especially those from immigrant or minority communities, from coming forward, particularly if it may result in the criminal prosecution and imprisonment of family members.[93] They highlighted the need to accompany legal reforms with awareness-raising efforts for families and communities.

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for Iran, and Save the Children.

[85] See the concluding observations of the Committee on the Elimination of Discrimination against Women on Israel (CEDAW/C/ISR/CO/5) and the State party report of Kenya for that Committee (CEDAW/C/KEN/7); and State party report of Trinidad and Tobago for the Committee on the Rights of the Child (CRC/C/83/Add.12).

[86] See, for example, the concluding observations of the Committee on the Rights of the Child on El Salvador (CRC/C/SLV/Q/3-4/Add.1), Eritrea (CRC/C/ERI/3) and Guatemala (CRC/C/GTM/3-4).

[87] Equality Now, "Protecting the girl child: using the law to help end child, early and forced marriage and related human rights violations", available from: www.equalitynow.org/sites/default/files/Protecting_the_Girl_Child_Annex_v3.pdf.

[88] Ibid.

[89] Submission from Egypt.

[90] Section 29 (4) of the Nigerian Constitution states that a woman is deemed to be of full age upon marriage; see also Committee on the Rights of the Child, concluding observations (CRC/C/NGA/CO/3-4).

[91] See for examples submissions from the Zambia Chapter of GNB; the Nigerian Chapter of GNB; Save the Children, François-Xavier Bagnoud (FXB) Center for Health and Human Rights; the Red Elephant Foundation, and Children's Dignity Forum (CDF) UNFPA, *Marrying too young* (see note 70), p. 50.

[92] Submissions from the Red Elephant Foundation, p. 14; Southall Black Sisters, p. 1; and the Commonwealth Secretariat, p. 10.

[93] This concern was raised by Southall Black Sisters and were supported by 33 other organizations

47. The absence of systematic free and compulsory marriage and birth registration in an official registry and the absence of compulsory registration of customary and religious marriages,[94] have been identified as major stumbling blocks for the implementation of existing child protection legislation.[95]

48. Several States reported that marriages concluded under force might be voidable, annulled or dissolved.[96] However, civil society organization submissions indicate that in many countries, victims of child, early and forced marriage face legal and practical barriers to accessing remedial action. These barriers include time limitations on petitions for annulment, economic constraints and the requirement that "a girl has the support of an adult if she is still a minor" in order for her to submit a petition.[97] Furthermore, laws that provide only for civil remedies commonly place the onus on the girl herself to apply for annulment of the marriage. In the United Kingdom for instance, calls have been made to abolish or extend the time limit for lodging nullity petitions in order to protect the victims of forced marriage, as many victims are married young and "lack the confidence to challenge their situation" in the first years of marriage, which means that they will often be statute barred from petitioning for an annulment.[98]

49. Ensuring proper funding for organizations providing refuge for victims of child, early and forced marriage is also a challenge. Women's Aid, a United Kingdom-based CSO which provides refuge to victims of domestic violence, including forced marriage, reported turning away significant numbers of women on a daily basis owing to lack of space.[99]

50. Concerning prevention, access to quality education for girls continues to be a major challenge in many countries. Although various governments have made important progress in improving access to education within the framework of their Millennium Development Goals programmes, structural and systemic barriers, such as entrenched social norms whereby parents frequently opt to invest in their sons' education over their daughters' and considerable resource constraints mean that a large number of young people, particularly girls, remain out of school.[100] The Government of Ethiopia estimates that the number of schools needs to be more than doubled to cope with the demand generated by the major increase in primary enrolments over the past 15 years.[101] Laws that prevent pregnant girls from attending school, such as those in Papua New Guinea and Swaziland, mean that married children's access can be severely curtailed.[102] The quality of education also continues to remain a concern.

(Southall Black Sisters submission, p. 7).

[94] See the concluding observations of the Committee on the Elimination of Discrimination against Women on Botswana and Kyrgyzstan.

[95] Plan International submission, p. 4. Plan International is supporting the development of an online birth registration information system in Bangladesh, with the aim of preventing tampering with birth dates to falsify the age of a girl at marriage.

[96] In the United Kingdom, for example, victims of forced marriage have the option of petitioning for an annulment rather than a divorce in view of the lesser stigma that is attached to annulment (submission from Ruth Gaffney-Rhys, p. 1). In Switzerland, the Federal Council has launched a federal programme against forced marriage which contains preventive measures for women and girls and protective measures for those who have already been forcefully married. The programme will run from 2013 to 2017.

[97] Center for Reproductive Rights submission, p. 2.

[98] Equality Now submission.

[99] Submission from Ruth Gaffney-Rhys.

[100] Plan International submission.

[101] Ethiopia Welfare and Monitoring Survey, 2011.

[102] Equality Now submission, p. 11.

51. The continued presence of social pressure that views child, early and forced marriage as a means to avoid pregnancy outside of wedlock and to maintain honour in cases of rape, also remains a challenge.[103] A small number of submissions received reported on efforts to address stigma associated with sexual violence and women's sexuality.

VIII. Conclusions and recommendations

52. **Despite progress made, significant challenges remain in the adoption and implementation of laws, polices and strategies to address the systemic and underlying factors which allow the marriage of children to persist and prevent women from marrying a spouse of their choice. Currently, legislation in 147 countries contains exceptions permitting the marriage of children below the age of 18 and, even where legislation is in line with international standards, the prohibition of child and forced marriage is difficult to implement owing to a number of the challenges discussed above, including cultural attitudes supporting the practice.**

53. **Comprehensive and coordinated approaches are needed in order to effectively address child, early and forced marriage. It is recommended that national policies and strategies be developed and implemented with the involvement of relevant government departments at the national and local levels, civil society organizations, including women's groups, religious and community leaders, national human rights institutions and other relevant stakeholders, including legislators and the judiciary.**

54. **Policy and protection measures, action and strategies should be guided by the best interests of the child, be context-appropriate and in accordance with international human rights standards. They should be part of broader efforts to promote equality and eliminate discrimination against women and girls not only in access to education, but also, inter alia, in the areas of employment, political participation, health, access to inheritance, land and productive resources. Such policies and plans, as appropriate, should encompass the following broad areas of focus:**

(a) Ensuring a national legal framework in line with international human rights standards, including with regard to the age of majority and the legal age for marriage for girls and boys, the prohibition of forced marriage and birth and marriage registration;

(b) Harmonizing national laws on marriage, including by amending existing laws to remove legal obstacles faced by girls who seek the enforcement of national laws on child marriage prevention or prohibition and legal remedies; removing unreasonable legal requirements for formally ending a child marriage; and providing access to remedies for those who leave a marriage;

(c) Promoting girls' access to high-quality education, in accordance with relevant international standards, including tailored reintegration programmes for girls who are forced to drop out of school owing to marriage and/or childbirth; the provision of economic support and incentives to girls attending schools and to their families has proven to be effective in allowing girls to pursue higher education and delay marriage;

(d) Promoting women's economic empowerment and access to productive resources, including by addressing discriminatory norms and practices in this regard.

[103] Save the Children reported that, in Nepal, there were cases of suicide by girls who were separated from their intended husbands (Save the Children submission, p. 5).

(e) Addressing the widespread cultural and social acceptance of child, early and forced marriage, including by raising awareness of its harm to the victims and the cost to society at large and by providing platforms and opportunities for discussion within communities and families on the benefits of delaying marriage and ensuring that girls receive education. The involvement of older women and of religious and community leaders, and the engagement of men and boys as key participants in these efforts is essential;

(f) Providing age-appropriate, culturally relevant and empirically based comprehensive education on sexuality, sexual and reproductive health, gender equality and life-skills training for women and girls, and ensuring that women and girls are made aware of and have the capacity to claim and exercise their rights in relation to marriage;

(g) Supporting the establishment of networks to facilitate the exchange of information between girls and young women on child, early and forced marriage through the innovative use of technology;

(h) Implementing training programmes for government officials, the judiciary, law enforcement and other State officials, teachers, health and other service workers, those working with immigrants and asylum seekers, and relevant professionals and sectors on how to identify girls at risk or actual victims and on applicable legislation and prevention and care measures;

(i) Providing adequate financial resources and support to comprehensive programmes to address child, early and forced marriage, including those aimed at married girls and those within indigenous and rural communities, in cooperation with United Nations agencies, regional organizations, civil society organizations and other relevant stakeholders;

(j) Improving data collection, research and dissemination of existing good practices and ensuring a clear analysis and assessment of the impact of existing policies and programmes as a means of strengthening them, ensuring their effectiveness and monitoring their implementation.